

St. Louis City Ordinance 65163

FLOOR SUBSTITUTE
BOARD BILL NO. 267 [00]

INTRODUCED BY ALDERMAN JAMES F. SHREWSBURY

An Ordinance, recommended and approved by the Airport Commission, the Board of Public Service, and the Board of Estimate and Apportionment, establishing and authorizing a public work and improvement program ("Building Projects") at Lambert-St. Louis International Airport (the "Airport"), providing for the acquisition of certain real and personal property rights including easements for the development and improvement of the Airport, said acquisitions being in fee simple title or lesser estate and/or avigation easements relative to parcels or real property located within the geographical boundaries more fully described in Section One of this Ordinance, such authorization including, without limitation, avigation easements, legal services and related costs, technical advice and assistance, surveying costs, mapping, appraisal and escrow services, title work and other real estate services, the removal of structures, obstructions, utilities and trees, the grading and seeding of disturbed areas and related work, ground maintenance, security, relocation cost, the demolition of improvements, architectural, engineering and related consultant and management expense pertaining to the planning, design, consulting, installing mock-ups, preparation and production of contract documents, advertising and taking of bids, construction management and construction for additions, improvements, and new facilities to and for the terminal complexes and concourses, parking facilities, associated Airport buildings, roadways, driveways, and environs, including but not limited to all, architectural, structural, electrical, mechanical, paving, landscaping, finishes, furniture, equipment, and waterproofing, providing for a New Access Control System, Terminal and Concourse Upgrades - including but not limited to lighting, floor and wall finishes, counters, feature walls, paint and ceilings, replacement of certain escalators in the Main Terminal, Renovations on Concourse C, including removal and replacement of wall finishes and corridors, removal and relocation of existing mechanical equipment and mechanical features, renovation and expansion of the Federal Inspection Area on Concourse E, including but not limited to vertical transportation, offices, lighting signage, corridors,

surveillance and security equipment, baggage system modifications, and finishes, expand gate area on Concourse D including but not limited to new structure, exterior wall, roof, mechanical and electrical work, signage, foundation for installation of existing loading bridges, renovation of said bridges, rehabilitation of aircraft parking ramp in this area, modifications to hydrant fueling system, provide an addition for Concourse C including but not limited to foundations, structural members, exterior walls, roof, stairs, finishes, vertical transportation, mechanical and electrical improvements, public area finishes and signage, provide a by-pass from Concourse C to D including but not limited to structural members, exterior wall, roof, interior finishes, lighting, electrical and mechanical work and signage, terminal mechanical improvements including but not limited to replacement of pneumatic and electronic firing controls, new chart recorders, reconfiguration of the air-conditioning pumps in the East Climate Control Plant, replace the emergency generators on Concourse A, B, and C, provide a new pump-station, storm sewer and holding tank with all related equipment for Shops Road/Main Terminal loading dock areas, provide support building improvements including environmental improvements, dust collection, suppression systems, hazardous material storage and ventilation equipment, provide Terminal/Roadway improvements including but not limited to stair relocations, canopies, bridge structure, rest room facilities, signage, expansion joints and roadway reconfiguration, provide for major maintenance projects including but not limited to refinishing apron level exterior walls on Concourse A, B, and C, reconfigure and refinish elevator, replace acoustical treatment on domes, replace floor finishes and restroom equipment, provide a Security Bypass for Concourse A, provide major maintenance for support buildings including but not limited to window replacements, roofs, provide a new Public Parking Facility for approximately 4500 vehicles, including but not limited to grading, paving, lighting, support facilities, signage and miscellaneous amenities, provide major renovation for the public parking structure and surface facilities, including but not limited to structural rehabilitation, slab repair, waterproofing, expansion joints, pavement repair and replacement and signage, provide major maintenance for the roadway and support facilities' and other necessary and related work or services for the development, implementation, administration, management or monitoring of the Building Projects at a total estimated cost of Eighty One Million Four Hundred Sixty Thousand Dollars (\$81,460,000); appropriating the total sum of Eighty One Million Four Hundred Sixty

Thousand Dollars (\$81,460,000), as follows: a) Four Million Nine Hundred Forty Four Thousand Dollars (\$4,944,000) from the sub-account of the Series 1997 Airport Construction Account in the Airport Construction Fund designated as the Series 1997 Improvement Project Sub-account (the "Airport Construction Fund") established pursuant to Ordinance No. 64120 approved July 23, 1997 (the "1997 Airport Bond Ordinance"), b) the amount of the net proceeds for "The City of St. Louis, Missouri Airport Revenue Bonds, Series 2001 (Capital Improvement Program) deposited by the Trustee and/or City into the Series 2001 Airport Construction Account of the Construction Fund to finance the costs of the "2001 Project" as defined and provided for in "BOARD BILL NO. 259" as approved by the City's Board of Aldermen (the "Series 2001 Capital Improvement Program Bond Ordinance") less Eleven Million Three Hundred Fifty Five Thousand Dollars (\$11,355,000) (intended for certain airfield projects), c) Four Million Eighty Six Thousand Dollars (\$4,086,000) from the Airport Development Fund Established under authority of Ordinance No. 59286, Section 13, approved October 26, 1984, and d) Twenty Two Million Nine Hundred Forty Six Thousand Dollars from the Passenger Facility Charge Fund established under authority of Ordinance 62501, Section 6, approved February 10, 1992, to be expended for the payment of costs for work and services authorized herein; authorizing the City Counselor to acquire on behalf of the City of St. Louis (the "City") said real and personal property rights including easements by purchase, lease, or condemnation; authorizing the City Counselor with the approval of the Board of Estimate and Apportionment to enter into agreements to acquire, by purchase or lease, said real and personal property rights including easements and to secure legal and related services necessary for the implementation and administration of the Building Projects; authorizing the Mayor and the Comptroller of the City to enter into and execute on behalf of the City easement agreements granting such easements as are necessary to the administration or implementation of the Building Projects and containing such terms, covenants, and conditions that are in the best interest of the City, the City's residents, and the traveling public; authorizing the Director of Airports with the approval of the City Counselor and the Board of Estimate and Apportionment to let contracts providing for mapping, appraisal, and escrow services, title work, ground maintenance, and related services for the implementation and administration of the Building Projects; authorizing and directing the Board of Public Service with the advice, consent, and approval of the Director of Airports to let contracts for all

other approved work or services, purchase materials and equipment, employ labor, pay salaries, wages, fees, retain consultants and otherwise provide for the work or services authorized herein; providing that any contract let hereunder, shall be subject to the Charter of the City of St. Louis (the "City") and Missouri State laws or regulations applicable thereto; authorizing and directing the Comptroller of the City to draw warrants from time to time on the Treasurer of the City for payment of expenses authorized herein upon submission of properly certified vouchers in conformance with procedures established by the Comptroller and, as necessary, the Comptroller or Treasurer are authorized to make such applications or certifications and provide such data to the Trustee of the "Series 1997 Bonds" authorized under the 1997 Airport Bond Ordinance and/or to the Trustee of the Series 2001 Capital Improvement Program Bonds authorized under BOARD BILL NO. 259, and to take whatever action necessary in order to provide for the payment or reimbursement of eligible costs authorized herein; authorizing the Director of Airports to make such applications and provide such data and to take whatever action necessary to seek reimbursement from the Federal Aviation Administration under the Airport Improvement Program, the Passenger Facility Charge Program or other programs for which these authorized expenditures might qualify and authorizing and directing that all such reimbursements be deposited into the appropriate fund; directing that all contracts let under authority of this Ordinance be in compliance with all applicable minority and women or disadvantaged business enterprise requirements and in compliance with all applicable Federal, State, and local laws, ordinances, regulations, court decisions and executive orders relating to equal employment opportunity; conditioning the appropriation and the expenditure of funds from the Airport Construction Fund established pursuant to BOARD BILL NO. 259 on the issuance of the Series 2001 Capital Improvement Bonds and conditioning the appropriation and expenditure of funds authorized herein from the Passenger Facility Charge Fund on the FAA's approval of the City's Passenger Facility Charge Application Number Five; and containing a severability and an emergency clause.

WHEREAS, The City of St. Louis, Missouri (the "City") owns and operates an airport known as the Lambert - St. Louis International Airport (the "Airport");

WHEREAS, the City is authorized under the Constitution and laws of the State of Missouri to issue, sell and negotiate its interest bearing

revenue bonds for the purpose of paying all or part of the costs of purchasing, constructing, extending or improving airports;

WHEREAS, on November 5, 1991 the qualified electors of the City approved the issuance by the City of airport revenue bonds in the amount of One Billion Five Hundred Million Dollars (\$1,500,000,000) for the purpose of paying the cost of purchasing, constructing, extending, and improving airports to be owned by the City;

WHEREAS, the City intends to issue in one or more series in an aggregate principal amount not to exceed Eighty Five Million Dollars (\$85,000,000) Airport Revenue Bonds, Series 2001 (Capital Improvement Program) (the Series 2001 Capital Improvement Bonds) pursuant to a Ninth Supplemental Indenture between the City and the Trustee (the "Series 2001 Capital Improvement Bonds") authorized by "BOARD BILL 259" as approved by the City's Board of Alderman (the "Series 2001 Capital Improvement Program Bond Ordinance"), for the purpose of providing funds to finance the costs of the "2001 Project", as defined in BOARD BILL NO. 259;

WHEREAS, the City intends to submit a Passenger Facility Charge Application Number Five to the FAA; and

WHEREAS, the appropriation and expenditure of funds authorized herein from the sub-account of the Series 2001 Airport Construction Account in the Construction Fund (the "Airport Construction Fund") established pursuant to "BOARD BILL NO. 259" is expressly conditioned on the issuance of the Series 2001 Capital Improvement Bonds and the appropriation and expenditure of funds authorized herein from the Passenger Facility Charge Fund is conditioned on the FAA's approval of the City's Passenger Facility Charge Application Number Five.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. There is hereby established and authorized a public work and improvement program ("Building Projects") at Lambert-St. Louis International Airport (the "Airport"), recommended and approved by the Airport Commission, the Board of Public Service, and the Board of Estimate and Apportionment, consisting of and providing for the acquisition of certain real and personal property rights including easements for the development and improvement of the Airport, said

acquisitions being in fee simple title or lesser estate and/or avigation easements relative to parcels or real property located within the geographical boundaries more fully described in EXHIBIT "A", which is attached hereto and incorporated herein, such authorization including, without limitation, avigation easements, legal services and related costs, technical advice and assistance, surveying costs, mapping, appraisal and escrow services, title work and other real estate services, the removal of structures, obstructions, utilities and trees, the grading and seeding of disturbed areas and related work, ground maintenance, security, relocation cost, the demolition of improvements, architectural, engineering and related consultant and management expense pertaining to the planning, design, consulting, installing mock-ups, preparation and production of contract documents, advertising and taking of bids, construction management and construction for additions, improvements, and new facilities to and for the terminal complexes and concourses, parking facilities, associated Airport buildings, roadways, driveways, and environs, including but not limited to all, architectural, structural, electrical, mechanical, paving, landscaping, finishes, furniture, equipment, and waterproofing, providing for a New Access Control System, Terminal and Concourse Upgrades - including but not limited to lighting, floor and wall finishes, counters, feature walls, paint and ceilings, replacement of certain escalators in the Main Terminal, Renovations on Concourse C, including removal and replacement of wall finishes and corridors, removal and relocation of existing mechanical equipment and mechanical features, renovation and expansion of the Federal Inspection Area on Concourse E, including but not limited to vertical transportation, offices, lighting signage, corridors, surveillance and security equipment, baggage system modifications, and finishes, expand gate area on Concourse D including but not limited to new structure, exterior wall, roof, mechanical and electrical work, signage, foundation for installation of existing loading bridges, renovation of said bridges, rehabilitation of aircraft parking ramp in this area, modifications to hydrant fueling system, provide an addition for Concourse C including but not limited to foundations, structural members, exterior walls, roof, stairs, finishes, vertical transportation, mechanical and electrical improvements, public area finishes and signage, provide a by-pass from Concourse C to D including but not limited to structural members, exterior wall, roof, interior finishes, lighting, electrical and mechanical work and signage, terminal mechanical improvements including but not limited to replacement of pneumatic and electronic firing controls, new chart recorders,

reconfiguration of the air-conditioning pumps in the East Climate Control Plant, replace the emergency generators on Concourse A, B, and C, provide a new pump-station, storm sewer and holding tank with all related equipment for Shops Road/Main Terminal loading dock areas, provide support building improvements including environmental improvements, dust collection, suppression systems, hazardous material storage and ventilation equipment, provide Terminal/Roadway improvements including but not limited to stair relocations, canopies, bridge structure, rest room facilities, signage, expansion joints and roadway reconfiguration, provide for major maintenance projects including but not limited to refinishing apron level exterior walls on Concourse A, B, and C, reconfigure and refinish elevator, replace acoustical treatment on domes, replace floor finishes and restroom equipment, provide a Security Bypass for Concourse A, provide major maintenance for support buildings including but not limited to window replacements, roofs, provide a new Public Parking Facility for approximately 4500 vehicles, including but not limited to grading, paving, lighting, support facilities, signage and miscellaneous amenities, provide major renovation for the public parking structure and surface facilities, including but not limited to structural rehabilitation, slab repair, waterproofing, expansion joints, pavement repair and replacement and signage, provide major maintenance for the roadway and support facilities' and other necessary and related work or services for the development, implementation, administration, management or monitoring of the Building Projects at a total estimated cost of Eighty One Million Four Hundred Sixty Thousand Dollars (\$81,460,000).

SECTION TWO. There is hereby authorized an appropriation of

Eighty One Million Four Hundred Sixty Thousand Dollars (\$81,460,000), as follows:

a. Four Million Nine Hundred Forty Four Thousand Dollars (\$4,944,000) from the sub-account of the Series 1997 Airport Construction Account in the Airport Construction Fund designated as the Series 1997 Improvement Project Sub-account (the "Airport Construction Fund") established pursuant to Ordinance No. 64120 approved July 23, 1997 (the "1997 Airport Bond Ordinance",

b. the amount of the net proceeds for "The City of St. Louis, Missouri Airport Revenue Bonds, Series 2001

(Capital Improvement Program) deposited by the Trustee and/or City into the Series 2001 Airport Construction Account of the Construction Fund to finance the costs of the "2001 Project" as defined and provided for in "BOARD BILL NO. 259" as approved by the City's Board of Aldermen (the "Series 2001 Capital Improvement Program Bond Ordinance") less Eleven Million Three Hundred Fifty Five Thousand Dollars (\$11,355,000) (intended for certain airfield projects),

c. Four Million Eighty Six Thousand Dollars (\$4,086,000) from the Airport Development Fund Established under authority of Ordinance No. 59286, Section 13, approved October 26, 1984, and

d. Twenty Two Million Nine Hundred Forty Six Thousand Dollars (\$22,946) from the Passenger Facility Charge Fund established under authority of Ordinance 62501, Section 6, approved February 10, 1992,

to be expended for the payment of costs for work and services authorized herein.

SECTION THREE. The City Counselor of the City of St. Louis is hereby authorized to acquire on behalf of the City of St. Louis (the "City") said real and personal property rights including easements by purchase, lease, or condemnation.

SECTION FOUR. The City Counselor with the approval of the Board of Estimate and Apportionment is hereby authorized to enter into agreements to acquire, by purchase or lease, said real and personal property rights including easements and to secure legal and related services necessary for the implementation and administration of the Building Projects.

SECTION FIVE. The Mayor and the Comptroller of the City are hereby authorized to enter into and execute on behalf of the City easement agreements granting such easements as are necessary to the administration or implementation of the Building Projects and containing such terms, covenants, and conditions that are in the best interest of the City, the City's residents, and the traveling public.

SECTION SIX. The Director of Airports with the approval of the City Counselor and the Board of Estimate and Apportionment is hereby authorized to let all contracts providing for mapping, appraisal, and escrow services, title work, ground maintenance, and related services for the implementation and administration of the Building Projects.

SECTION SEVEN. The Board of Public Service with the advice, consent and approval of the Director of Airports is hereby authorized and directed to let contracts, purchase materials and equipment, employ labor, pay salaries, wages, fees, retain consultants and otherwise provide for all work or services authorized herein, except for the work or services covered by procedures contained in SECTION THREE, SECTION FOUR, SECTION FIVE, and SECTION SIX of this Ordinance.

SECTION EIGHT. It is hereby provided that any contract let hereunder, shall be subject to the City's and any Missouri State laws or regulations applicable there.

SECTION NINE. The Comptroller of the City is hereby authorized to draw warrants from time to time on the Treasurer of the City for payment of expenses authorized herein upon submission of properly certified vouchers in conformance with procedures established by the Comptroller of the City and, as necessary, the Comptroller or Treasurer are hereby authorized to make such applications or certifications and provide such data to the Trustee of the "Series 1997 Bonds" authorized under the 1997 Airport Bond Ordinance and/or to the Trustee of the Series 2001 Capital Improvement Program Bonds authorized under BOARD BILL NO. 259, and to take whatever action necessary in order to provide for the payment or reimbursement of eligible costs authorized herein.

SECTION TEN. The Director of Airports is hereby authorized to make such applications, to provide such data and to take whatever action necessary to seek reimbursement from the Federal Aviation Administration under the Airport Improvement Program, the Passenger Facility Charge Program, or other programs for projects herein authorized where such costs are deemed eligible and monies made available for reimbursement under Federal law or contract and authorizing and directing that all such reimbursements be deposited into the appropriate or applicable fund.

SECTION ELEVEN. All contracts let under authority of this ordinance shall be in compliance with all applicable minority and women or disadvantage business enterprise requirements and in compliance with all applicable Federal, State and local laws, ordinances, regulations, court decisions and executive orders relating to equal employment opportunity.

SECTION TWELVE. The appropriation and the expenditure of funds from the Airport Construction Fund established pursuant to BOARD BILL NO. 259 are hereby conditioned on the issuance of the Series 2001 Capital Improvement Bonds and the appropriation and expenditure of funds authorized herein from the Passenger Facility Charge Fund are hereby conditioned on the FAA's approval of the City's Passenger Facility Charge Application Number Five.

SECTION THIRTEEN. The sections, conditions, or provisions of this Ordinance or portions thereof shall be severable. If any section, condition, or provision of this Ordinance or portion thereof contained herein is held invalid by a court of competent jurisdiction, such holding shall not invalidate the remaining sections, conditions or provisions of this Ordinance.

SECTION FOURTEEN. This being an ordinance providing for public work and improvement, it is hereby declared to be an emergency measure as defined in Article IV, Section 20 of the City's Charter and shall become effective immediately upon its approval by the Mayor of the City.

EXHIBIT "A"

Tract 1:

A parcel of land located in the First Subdivision of Bridgeton Commons, part of Lots 3, 4, and 5; commonly known and numbered as 4807 – 4825 North Lindbergh Blvd.

Tract 2:

Cypress Gardens Subdivisions, Plat 1, lots 7 and 8; Plat 1 lots 14, 15, and 16 and the re-subdivision of Lots A through D; Plat 2, block 1, lots 1, 2, and 3; Plat 2, block 2, lot 4: and Plat 3 lots 1through 19, inclusive.

Tract 3:

A portion of a parcel of land owned by the Service Corporation International and known as Mount Lebanon Cemetery; said portion being the eastern most 200 feet of said cemetery, and a part of the Ersatz Post Estate Partition, part of lots 1 and 3, and part of the Lot 3 of the Marie Post Estate. Said portion being 1.25 acres, more or less.

Tract 4:

Tract 4 is more fully described in EXHIBIT "A-1" which is attached hereto and incorporated herein.

CIP 2001 BUILDING ORD, EXHIBIT A, MAP

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
01/05/01	01/05/01	T&C		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
01/12/01			01/19/01	02/02/01
ORDINANCE	VETOED	VETO OVR	SIGNED BY MAYOR	
65163			02/15/01	